

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.08.2005

CORAM

THE HON'BLE MRS.JUSTICE F.M.IBRAHIM KALIFULLA

WRIT PETITION No. 2224 OF 2003

...

A.Ananthan

... Petitioner

Vs.

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salem Division-II, Baharathipuram
Dharmapuri-5
 2. The President
Annai Sathiya Transport Corporation
Employee's Provident Fund Trsut,
Salem Main Road,
Bhyarathipuram,
Dharmapuri
 3. The Administrator,
Tamil Nadu State Transport Corporation
Employee's Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2
 4. The State of Tamil Nadu
rep. by its Secy, to Govt.,
Finance (Pension) Dept.,
Secretariat, Chennai-9
- ... Respondents

R4 impleaded as per order
dated 15.9.2003 in W.P.M.P.31559/03

Writ Petition is preferred under Article 226 of The Constitution of India praying for a writ of certiorarified mandamus, as stated therein.

For Petitioner :: Mr.S.Doraisamy

<https://hcservices.ecourts.gov.in/hcservices/> For respondents :: Mrs.Kalaramesh for RR 1 to 3
Mr.R.Lakshminarayanan
for R.4

ORDER

The petitioner seeks for the issuance of a writ of certiorarified mandamus calling for the records relating to the order in Ref.No.090129/Va.Vai (2)/Tha.Aa.Po.Ka (Se.Ko.2)/2002 dated 20.5.2002 of the second respondent, to quash the same and direct the respondent to pay pension and other retirement benefits to the petitioner taking into account his service of 21 years in the respondent's corporation.

2. The brief facts which are required to be stated are that the petitioner was initially selected as a Trainee Conductor in M/s.Anna Transport Corporation Ltd., from 9.3.1979. He was subsequently appointed as a daily paid Conductor from 1.6.1979. His services came to be regularised from 1.5.1981. Subsequently, he was transferred to the first respondent's Corporation and joined in its service on 1.4.1992. As he was declared medically unfit to work as a Conductor, he was discharged from service on medical grounds from 26.11.1992. As on that date, he had put in 13 years, 8 months and 17 days of service and the qualifying service was ascertained as 6 years, 10 months and 6 days. On that basis, the petitioner was paid Rs.7,303/= as service gratuity and provident fund accumulation to the tune of Rs.13,778/=. The petitioner prayed for alternate employment by relying upon G.O.Ms.No.746, dated 2.7.1981. It is stated that his request was considered and he came to be re appointed as a "fresh entrant" in the post of Helper, after signing a settlement reached under Section 18(1) of the Industrial Disputes Act, 1947, and he was re-appointed in the regular time scale of pay with effect from 10.9.1993. Subsequently, due to the petitioner's physical disability, he is stated to have applied for either VRS or discharge on medical grounds. The petitioner's request was considered and he was discharged once again on medical grounds from 17.4.2001 by paying one month's wages in lieu of notice. At that point of time he was aged 56 years, 9 months and 2 days. As between the date of his re-appointment namely 10.9.1993 and 17.4.2001, the petitioner had put in 7 years, 7 months and 7 days, of which the qualifying service was determined as 3 years, 1 month and 14 days. On that basis, the petitioner's service benefits were calculated and Provident Fund accumulation, Service Gratuity under Pension Scheme, Service Gratuity under normal Gratuity Rules and refund in the Post Retirement Benefit Scheme were paid. The actual net amount paid under the above four heads were as under:-

Sl.No	Nature of benefit	Total amount	Deduction of amount due to the Corpn	Net amount paid	Received on
1	EPF	22,184/=	9,630/=	12,554/=	12/7/01
2	Service Gratuity under Pension Scheme	12,880/=	--	12,880/=	19.2.2002
3	Service Gratuity under normal gratuity rules	10,021/=	--	10,021/=	
4	Refund under post retirement benefit scheme	3,094/=	--	3,094/=	9/1/2003

3. When the petitioner applied for commutation of pension under the TNSTC Employees' Pension Fund Rules, by the impugned order dated 20.5.2002, he was informed that since he had put in only about 3½ years of qualifying service, he was not eligible for payment of pension since under the Rules in order to be eligible for payment of pension, an employee should have put in 10 years of qualifying service.

4. Assailing the said order of the second respondent, Mr.S.Doraisamy, learned counsel appearing for the petitioner would contend that after the Pension Rules came into effect on and from 1.9.1998, since the petitioner was in service thereafter, the petitioner is governed by the said Rules and by virtue of Rule 19 (c) of the Rules, he is entitled to count his past service for the purpose of ascertaining the qualifying service. It is contended that if based on the said Rule if the past service of the petitioner is counted he would definitely satisfy the requirement of minimum of 10 years of qualifying service in order to be eligible for pension under the Rules.

5. As against the above submissions of the learned counsel for the petitioner, Mrs.Kala Ramesh, learned counsel appearing for the respondents-Transport Corporation contended that the petitioner is not entitled to pension inasmuch as the earlier discharge of the petitioner on medical grounds on 24.11.1992 was different and distinct spell of employment for which service, whatever benefit payable to the petitioner was duly paid and therefore, subsequent employment which was admittedly a fresh employment as from 10.9.1993 should alone be considered for applying the pension rules. According to the learned counsel for the respondents, when the subsequent fresh employment from 10.9.1993 till his the discharge on 17.4.2001 is considered, the petitioner, having failed to satisfy the requirement of 10 years of qualifying service, he is ineligible for claiming pension under the Pension Rules. According to the learned counsel for the

respondents, fresh employment was given to the petitioner G.O.Ms.No.746, dated 2.7.2981 which specifically stipulates that such fresh employment under the Government Order would be after settling all the benefits for the past service rendered. It is therefore contended that the petitioner is not entitled for any pension and the order impugned in the Writ Petition should not be interfered with.

6. Having heard the learned counsel for the petitioner as well as the respondents and on a perusal of the various materials placed before this court, I am of the view that on an interpretation of Rule 19(c) of the Pension Rules, the claim of the petitioner to count his past service for the purpose of finding out his eligibility of qualifying service is well founded. For the better appreciation of the claim of the petitioner, certain provisions of the Pension Rules are required to be noted.

7. Rule 2(p)(iii) reads as under:

"Rule 2(p): The "Actual Service" as defined below shall be reckoned for calculating pensionable service:

xxx	xxx	xxx
xxx	xxx	xxx

(iii) In respect of all other employees, the date of regular employment or becoming the member of the Employee's Provident Fund in the STU will be reckoned for the calculation of pensionable service."

8. Rule 13 relates to determination of eligible service, which reads as under:-

"13. DETERMINATION OF ELIGIBLE SERVICE

The eligible service shall be determined as follows:-

(a) In the case of a "New Entrant" entering into service on or after 1.9.1998, the "actual service" shall be treated as eligible service. The total actual service shall be rounded off to the nearest year. The fraction of service for six months or more shall be treated as one year and the service less than six months shall be ignored.

b) In the case of the "existing member" as on 1.9.1998, the aggregate of actual service as indicated para 2 (p) shall be treated as eligible service.

c) If there is any non-contributory period during the service, it shall not be counted for arriving the actual service."

9. The other rule which is relevant for the purpose of the present case is Rule 19, which reads as under:-

"19. BENEFITS ON PERMANENT & TOTAL DISABLEMENT AND MEDICALLY DISCHARGED DURING THE EMPLOYMENT:

(a) Permanent & Total Disablement.

A member, who is permanently and totally disabled during the employment shall be, entitled to pension as per the following terms and conditions.

(i) He should have rendered 10 years of qualifying service; A member applying for the benefits under this paragraph shall be required to undergo such medical examination as may be prescribed by the Trustees to determine whether or not he or she is permanently and totally unfit for the employment which he or she was doing at the time of such disablement.

(ii) He will be eligible for pension at 50% of the last drawn basic pay multiplied by actual service and divided by 30. No service weightage is admissible for such pensioner.

(iii) If the disablement is curable and if the member refuses to get cured by operation or otherwise, then no pension need be paid, if the competent authority desires so, on merit.

The monthly member's pension in such cases shall be payable from the date following the date of permanent total disablement and shall be tenable for the lifetime of the member.

(c) Medically Discharged Cases

In the case of employee who are medically discharged and are not re-employed, they are eligible for benefits under Clause 19(a) above. If they are re-employed, they are eligible for continuity of membership and the benefits will be allowed only at the time of normal retirement by counting the past service also."

10. G.O.Ms.No.746, (Transport Department), dated 2.7.1981 is also relevant. It is to the following effect:-

"During the budget Session held on 27.4.1981, the Minister (Transport) announced inter alia in the Legislative Assembly that the workers who are declared unfit for continuance in the same posts by Doctors, while in service, because of eye defect or any other ailments, will be provided with alternative employment in posts like "Helpers", "afresh" depending upon their qualifications, experience and suitability for the new post, after settling tier service benefits.

2. The Government accordingly direct that the workers in State Transport Undertakings who are declared unfit for continuance in the same posts, by doctors, while in service, because of eye defect or

any other ailment, be discharged on medical grounds and their service benefits, settled. They should be subsequently provided with alternative employment in posts like "helpers" depending upon their qualification, and experience and suitability for the new posts, without consulting the Employment exchange. They should be appointed as fresh entrants only in the scale of pay or consolidated pay admissible to the new posts and their services terminated on the date on which they attain the age of superannuation."

11. One other aspect to be considered is the Central legislation, namely The Persons With Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act 1995, (Act 1/96). Under the said Act special provisions have to be made and posts are to be reserved for persons with disabilities in order to ensure that such disabled persons are rehabilitated by providing alternate employment due to physical disability. A conjoint reading of the G.O.746 dated 2.7.1981 and the above referred to Enactment makes it clear that the discharge of an employee on medical ground by itself can no longer be put against the interest of such employee for depriving him of whatever legal benefits for which he would be otherwise entitled to in the normal course, but for such physical disability. That apart, while reading G.O.Ms.No.746, dated 2.7.1981 in conjunction with Rule 19(c) of Pension Fund Rules, it will have to be held that in the absence of any other Rules or Scheme providing for lesser consequential benefit on re-employment to a medically discharged employee, all cases of re-employment would be governed by the said Rule 19(c).

12. Inasmuch as TNSSTC Employees; Pension Fund Rules being a statutory Rule framed by the Government of Tamil Nadu which Rule is stated to have been brought into force in lieu of the Employee's Provident Fund Rules and the Pension Scheme Framed thereunder, the applicability of the said Rules will have a greater force viz-a-viz whatever contrary provisions or stipulations that may be contained in G.O.Ms.No:746, dated 2.7.1981. The Pension Rules was brought into force with effect from 1.9.1998. As on the date when the Pension Rules came into effect, the petitioner was very much in service of the respondent's Corporation. Therefore the petitioner is entitled to rely on the provisions contained in the Pension Rules to support his claim for pension.

13. In the above stated background when Rule 19(c) is examined, it deals with two categories of medical discharged employees. As far as the first category is concerned it relates to those medically discharged employees who are not subsequently re-employed and who would be governed by the main Rule 19(a) in which event in the event of such medically discharged employee, having rendered 10 years of qualifying service, he would be eligible for payment of pension. The second category are those employees who are re-employed and in respect of those re-employed persons, it is specifically provided that they are eligible for continuity of

their membership. However, the benefits would be allowed only at the time of normal retirement by counting their past service also. As far as the second category of employees referred to in Rule 19 (c), it specifically allows such re-employed employees to continue to retain their membership and also for counting their past service for the purpose of eligibility. When Rule 19(c) in respect of re-employed medically discharged employees is to the above specific effect, it will have to be held that mere stipulation contained in the order of re-employment dated 10.9.1993 that such re-employment was as "Fresh Entrant" would not deprive the petitioner of his entitlement for counting the past service. Any other interpretation of the said Rule 19(c) would defeat the very purpose and object of the Rule. So far as interpretation of any such Rule is concerned, Courts have repeatedly held that an interpretation that would further and promote the object of the Rule should be made. To quote a few, in the judgment reported in (2005) 2 TLNJ 290 (D.B) at pages 296 to 300 (N.Venkataramani Vs. Indian Bank & another) in Paragraphs 15 to 21 the decisions of the Hon'ble Supreme Court have been referred to. Paragraphs 15 to 21 of the Division Bench Judgment read as under:

"15. In the Judgment reported in "2003(2) SCC 412 (State of Karnataka Versus Vishwabharathi House Building Coop.Society and others)", the Hon'ble Supreme Court while dealing with the constitutional validity of some of the provisions of Consumer Protection Act, noted that it is one of the beneficial pieces of legislation and held in para 48 that- "the provisions of the said Act are required to be interpreted as broadly as possible."

16. In the Judgment reported in "1985 (4) SCC 325 (Workmen of Messrs Binny Ltd. Versus Management of Binny Ltd. and another)", the Hon'ble Supreme Court, while interpreting the provision of Payment of Bonus Act, has held as under in para 9:-

"9. ... It is trite law that in matters of welfare legislation, especially involving labour, the terms of contracts and the provisions of law should be liberally construed in favour of the weak."

17. In the Judgment reported in "AIR 1965 SC 1076 (The Regional Provident Funds Commissioner Punjab Versus Shibu Metal Works)", the Hon'ble Supreme Court, while dealing with the provisions of Employees Provident Funds Act, observed as under in para 13:

"13. The object which the Act purports to achieve is to require that appropriate provision should be made for the employees employed in the establishments to which the Act applies; and that means that in construing the material provisions of such an Act, if two views are reasonably possible, the courts should prefer the view which helps the

achievement of the object. If the words used in the entry are capable of a narrow or broad construction, each construction being reasonably possible, and it appears that the broad construction would help the furtherance of the object, then it would be necessary to prefer the said construction. This rule postulates that there is a competition between the two constructions, each one of which is reasonably possible. This rule does not justify the straining of the words or putting an unnatural or unreasonable meaning on them just for the purpose of introducing a broader construction."

(Emphasis added)

18. In the Judgment reported in "2002(7) SCC 273 (Union of India and another Versus Hansoli Devi and others)" the Constitutional Bench of the Hon'ble Supreme Court has this to say in para 9:

"9. It is no doubt true that if on going through the plain meaning of the language of statutes, it leads to anomalies, injustices and absurdities, then the court may look into the purpose for which the statute has been brought and would try to give a meaning, which would adhere to the purpose of the statute." (Emphasis added)

19. It has been held by the Hon'ble Supreme Court as early as in the Judgment reported in "1971(2) SCC 330 (Deokinandan Prasad Versus The State of Bihar and Others)" that- "payment of pension is governed by the Rules and a government servant coming within the Rules, is entitled to claim pension". The said legal position has been affirmed in the subsequent decision of the Hon'ble Supreme Court reported in "1984 Supp. SCC 399 (Jastha Venkateswara Rao Versus Oggu Chinna Basava Reddy and Others)". In the said Judgment, in para 5, the Hon'ble Supreme Court has made it clear that-

"5. ... In that case, this Court held that the payment of pension does not depend upon the discretion of the State but is governed by the rules made in that behalf and a Government servant coming within such rules is entitled to claim pension. It was further held that the grant of pension does not depend upon an order being passed by the authorities to that effect though for the purpose of quantifying the amount having regard to the period of service and other allied matters, it may be necessary for the authorities to pass an order to that effect, but the right to receive pension flows to an officer not because of the said order but by virtue of the rules."

(Emphasis added)

20. In the Judgment reported in "1992 Supp.(1) SCC 664 equivalent to "AIR 1992 SC 767 (All India Reserve Bank Retired Officers Association and others Versus Union of India and others)" the Hon'ble Supreme Court has held that-

"the concept of pension is now well known, that it is not a charity and that it is in the nature of a social security plan to provide for the Decemner of life of a superannuated employee".

21. Further, while dealing with the claim for pension based on the interpretation of the Regulations, it will have to be held that the construction of the Regulation which would achieve the object of the Regulation should be made. In other words, it is well known canon of construction that an interpretation of a provision in respect of a beneficial piece of legislation one should always construe it in a manner that would fulfill the object and purport of the legislation. In this context, it would be worthwhile to refer to the decision of the Privy Council reported in "(1879) ILR 3 Bombay 422 (Sayad Mir Ujmuddin Khan Vs. Ziaulnisa Begum)", wherein, the Hon'ble Justice Sir James Colville has stated as to how in construing a remedial statute, a court ought to give to it "the widest operation which its language will permit. They have only to see that the particular case is within the mischief to be remedied and falls within the language of the enactment". Again in "(1875) 1 Ch D 182 (Gover's Re, Coal Enonomising Gas Co.)", it was held that- "the words of such a statute must be so construed as "to give the most complete remedy which the phraseology will permit". The above principle was re-emphasized by Lord Atkin in "Raghuraj Singh Vs. Hari Kishan (AIR 1944 PC 35)" by stating that the words of statute must be construed as "to secure that the relief contemplated by the statute shall not be denied to the class intended to be relieved". The said ratio was followed by the Hon'ble Supreme Court also in the Judgment reported in "1987 (4) SCC 203 (International Ore and Fertilizers (India) Pvt. Ltd. Vs. Employees State Insurance Corporation)" by stating that "in the field of labour and welfare legislation, the provisions have to be broadly and liberally construed". Again in the Judgment reported in "AIR 1986 SC 509 (Workmen of M/s.Binny Ltd. Versus Management of Binny Ltd. And another)", the Hon'ble Supreme Court held that- "It is trite law that in the matter of welfare legislation, especially involving labour, the terms of contracts and the provisions of law should be liberally construed in

favour of the weak." In the Judgment reported in "AIR 1964 SC 1272 (Buckingham and Carnatic Co.Ltd. Vs. Venkatiah and another)", the Hon'ble Mr.Justice Gajendragadkar observed that-

"The liberal construction must ultimately flow from the words used in the section. If the words used in the section are capable of two constructions one of which is shown patently to assist the achievement of the object of the Act, courts would be justified in preferring that construction to the other which may not be able to further the object of the Act. But on the other hand, if the words in the section are reasonably capable of only one construction, the doctrine of liberal construction can be of no assistance."

(Emphasis added)

14. It is well known canon of construction that as between a statutory rule and an executive order, the statutory rule will always have the precedence and binding effect. In this context, it is relevant to refer to the judgment of a Division Bench of this Court, in N.Priyadharshini and others Vs. The Secretary to Govt., education Department and another, reported in 2005 (3) CTC 449. The relevant passages are as under:-

"20. Thus, the 1997 Regulation is, in our opinion, really in furtherance of Article 14 of the Constitution which aims at equality. As already mentioned above, the 1997 Regulations has statutory force as under Section 33 of the Indian Medical Council Act, 1956 it will amount to delegated legislation. In Andhra Bank v. B.Satyanarayan, (2004) 2 SCC 657 (vide paragraph 10) it was held by the Supreme Court that a valid regulation once framed would be part of the Statute. Similarly in St.Johns Teachers Training Institute v. Regional Director, (2003) 3 SCC 321 (vide paragraph 10), the Supreme Court observed: -

" The regulations made under power conferred by the statute are supporting legislation and have the force and effect, if validly made, as an Act passed by the competent legislature (see Sukhdev Singh v. Bhagatram, AIR 1975 SC 1331)."

It is not disputed by the respondents that the Regulations in question have been validly made under power conferred by the statute. Hence they have to be treated as part of the relevant Act itself.

24. As already stated above, the 1997 Medical Council Regulations (quoted above) amount to delegated legislation, and are hence to be treated

as part of the Medical Council Act. On the other hand, the impugned G.O.Ms.No. 184 Higher Education (J2) Department, dated 09.06.2005 is a purely executive order. It is well settled that an executive order cannot over ride the statutory rules or regulations.

27. In this connection, it may be mentioned that according to theory of the eminent jurist Kelsen (the pure theory of law) in every country there is a hierarchy of laws and the general principle is that a law in a higher layer of this hierarchy will prevail over the law in a lower layer of the hierarchy (see Kelsen's "The General Theory of Law and State"). In our country this hierarchy is as follows: -

- (i) The Constitution of India.
- (ii) Statutory law (which may be either Parliamentary law or law made by the State legislature).
- (iii) Delegated Legislation (which may be in the form of rules made under the statute, regulations made under the statute, etc)
- (iv) Purely administrative or executive orders.

The 1997 Regulations framed by the Medical Council of India (as also those framed by the All India Council for Technical Education and the Dental Council) are norms in the third layer in this hierarchy. On the other hand, the impugned G.O.Ms.No. 184 Higher Education (J2) Department, dated 09.06.2005 is in the 4th layer of the hierarchy. Hence, if there is a conflict between the two, the Regulations will prevail. In our opinion, there is a clear conflict between the two, because the G.O.Ms.No. 184 Higher Education (J2) Department, dated 09.06.2005 has done away with the system of common entrance examination test, although admittedly there are several examining bodies/boards in the State of Tamil Nadu.

28. In *Virender Singh Hooda v. State of Harayana*, (2004) 12 SCC 588 it was held that executive instructions which are contrary to the rules will be invalid. In paragraph 24 of the aforesaid judgment, the Supreme Court observed: -

"In law if an executive instruction is contrary to the statutory rules, the rules will prevail and not the executive instructions."

29. In *Union of India v. Arun Kumar Roy*, AIR 1986 SC 737 (vide paragraph 15), the Supreme Court

observed: -

"A notification has no statutory force. It cannot override rules statutorily made governing the conditions of service of the employees."

30. Similarly in Union of India v. Madras Telephone SC & ST Social Welfare Association, (2000) 9 SCC 71 (vide paragraphs 17 & 19) the Supreme Court observed: -

"Once the statutory recruitment rules came into force the earlier administrative instructions cannot be adhered to and will have no force"

31. Similarly in Shish Ram v. State of U.P, (1996) 10 SCC 166 (vide paragraph 5), the Supreme Court observed: -

"When the statutory rules came to be made increasing their scale of pay and making them eligible for promotion directly to the post of gazetted cadre class II from Assistants, Head Accountants, Stenographers etc. to a pay scale of Rs.500-900, it would be obvious that the executive instructions issued earlier had to yield place to the statutory rules."

The same view has been taken by a Full Bench of the Allahabad High Court in Vijay Singh v. State of U.P., 2005 LIC 505 (vide paragraphs 6 to 11)"

15. Therefore when Rule 19(c) would prevail over any other contrary stipulation contained in G.O.Ms.No.746, dated 2.7.1981, as well as the order of re-appointment dated 10.9.1993, applying the above said ratio to the facts of this case when the past service of the petitioner is taken into account, I find that the petitioner had a net qualifying service of 6 years 10 months and 6 days in the earlier spell and 3 years 11 months and 14 days in the subsequent spell, both put together 10 years, 9 months and 20 days. If so calculated, the petitioner would satisfy the eligibility criteria contained in Rule 19(a)(i) and since the petitioner has reached the age of normal retirement on 15.7.2002, the petitioner has been paid the service gratuity under pension scheme which was to the extent of Rs.12,880/=. While the provident fund accumulations and service gratuity under the gratuity rules would be payable irrespective of the eligibility for payment of pension, I am of the view when once it is held that the petitioner is entitled for payment of Pension under the Pension Rules, the petitioner cannot be permitted to retain the extra benefit of service gratuity under the pension scheme which was paid to the petitioner on the footing that he was not eligible for pension. Therefore, while setting aside the order impugned in the

writ petition holding that the petitioner is entitled and eligible for payment of pension under the Pension Rules, the respondents are directed to settle the payment of pension or of commutation of such pension expeditiously and preferably within two months from the date of receipt of a copy of this order.

16. Having regard to my finding that the petitioner is not entitled to retain the service gratuity received by him under the pension scheme, the petitioner is also directed to refund the said sum of Rs.12,880/= with 6% interest from the date of receipt of the amount namely from 19.2.2002 till date of payment which shall be made within two months. The respondent shall arrange to grant pension to the petitioner from the date of repayment of the said sum of RS.12,880/= along with 6% interest as directed above by the petitioner to the second respondent-Corporation. The Writ Petition is allowed. No costs.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gkv.

Copy To:

1. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Salem Division-II, Baharathipuram
Dharmapuri-5
2. The President
Annai Sathiya Transport Corporation
Employee's Provident Fund Trsut,
Salem Main Road, Bhyarathipuram, Dharmapuri
3. The Administrator,
Tamil Nadu State Transport Corporation
Employee's Pension Fund Trust,
Thiruvalluvar House,
Pallavan Salai, Chennai-2
4. The Secretary to Govt.,
The State of Tamil Nadu
Finance (Pension) Dept.,
Secretariat, Chennai-9

1 cc to Mr.L.G. Saha devan, Advocate, Sr. 33058

W.P.No.2224 of 2003